

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

FAO No.456 of 2006

Date of Decision: September 18, 2007

Smt.Bhagwanti and others Appellants.

Versus

Kamal and others Respondents

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Harish Bhardwaj, Advocate for the appellants.

S. D. ANAND, J.

1. A compensation of Rs.3,70,000/- was awarded by the Tribunal in favour of the appellant-claimants. The appellants have a grievance that the quantification of compensation is inappropriate inasmuch a multiplier of 17, as against that of 15, ought to have been applied inasmuch as the deceased was a young man aged 31 years and Schedule II of the Motor Vehicles Act, 1988 would require the application of multiplier of 17. The other grievance is that 1/3rd of income ought not to have been allowed as the expenses for the personal upkeep of the deceased in view of the fact that he had a family of five to support.

2. I have heard Mr.Harish Bhardwaj, learned counsel for the appellants. None turned up on behalf of respondent No.1 to address arguments before this Court.

3. The deceased is proved on the file to have been aged 31 years at the time of the impugned accident. That being so, the multiplier of 17 is

applicable in terms of Schedule II of the Motor Vehicles Act. Further, the male head of the family is not expected to spend 1/3rd of his income on his personal upkeep when he has an army of dependents to support. In this case, he had his wife, two minor children and aged parents to support. In that view of facts, deduction of 1/5th as the personal upkeep expenditure would be appropriate.

4. The Tribunal assessed the monthly income of the deceased to be Rs.3,000/-. By deducting 1/5th thereof as the personal upkeep expenditure, the monthly dependency of the appellants shall come to Rs.2400/-. The yearly dependency shall come to Rs.28,800/-. Multiplied by 17, the appellants shall be entitled to a compensation of Rs.4,89,600/-.

5. The other part of the finding recorded by the Tribunal was not challenged.

6. Except on point of quantification of the compensation, the appeal is held to be devoid of merit and is ordered to be dismissed. The appellants shall be entitled to a compensation of Rs.4,89,600/- with interest @ 6% per annum with effect from the date of filing of the petition till the date of payment thereof.

September 18, 2007
SRM

(S. D. ANAND)
JUDGE

Note: Whether referred to reporter or not? Yes/No